

I am writing to urge you to reject the Notice of Proposed Rulemaking #02-230, which would limit the functionality of digital television sets. As currently constructed, this "broadcast flag" proposal would hamper innovation in digital televisions and other electronic equipment capable of receiving digital broadcasts.

The broadcast flag proposal before the commission was the product of the "Broadcast Protection Discussion Group," a select group of industry insiders who brokered the deal. It would be unfortunate if the FCC were to codify this pact, thereby severely limiting consumer flexibility and choice.

While piracy is a valid concern, it is not the only issue that should be considered. Entertainment industry protections must be weighed against consumers' freedom to purchase and employ technology to enhance and utilize content. If enacted, the broadcast flag proposal would ignore these concerns and turn technological development over to an all-powerful subset of the entertainment industry.

In recent years, the entertainment industry has become acutely aware of the challenges it faces in the digital era. But these challenges do not give it the right to restrict consumers' abilities to record their favorite programs, or purchase electronic devices that allow them to record and save memorable family moments. The market is best suited to address and weigh these competing concerns and the FCC should give it time to work - particularly in a nascent industry like digital television -- before handing over consumer autonomy to the whims of entertainment industry executives.

It would be unfair to expect consumers to have to pay a fee to record programs that they would not be able to watch because of work, home, or family obligations. I personally use the freedom afforded to me in being able to record on my VCR on a daily basis. I use what I record for my private viewing only, and I am sure that you will find that the vast majority of consumers would say the same is true for them, too. I have a dish, so all of the programming I receive is digital. If this notice is enacted, there will be someone who will be able to figure out a way to get around it and you will just end up having a lot of consumers who will record programming without benefit of it being done legally. I do not think that this is what consumers want and I know that I most definitely do not want to have to ever consider this option.

Thank you.